THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8922 OF 2007

DATED 03rd JULY, 2007

Between

Vadla Kondaiah and others.

... Petitioners

AND

The Revenue Divisional Officer, Vanaparthy, Pebbair Mandal, Mahaboobnagar District and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8922 OF 2007

ORDER:

The petitioners allege that their father-in-law late Balakistaiah executed a registered Will, dated 09.06.1983 in their favour bequeathing all his properties. One such property admeasuring Acs.3.24 guntas in survey No.86 was acquired by the Government. Children of Buchamma (daughter of late Balakistaiah) raised a dispute alleging that they got a share in the property. The matter was referred to the Court of Senior Civil Judge, Vanaparthy in O.P.No.23 of 1998. The Will executed by father-in-law was upheld and rejected the claim of children of Buchamma. Thereafter, the petitioners applied for mutation. The second respondent passed orders on 18.05.1998 recording/altering entries in favour of petitioners. Vadla Narsimha and Anjaneyulu filed Appeal against the orders of second respondent mutating the names of the petitioners. At that time, O.P.No.23 of 1998 is pending before the civil Court but it was not brought to the notice of the appellate authority. Therefore, first respondent passed orders on 19.07.1997 directing the parties to settle the disputes in civil Court. The petitioners contend that as O.P.No.23 of 1998 is already decided in favour of petitioners and it is not necessary to go to civil Court. Therefore, they brought to the notice of first respondent about the Judgment in O.P.No.23 of 1998. In spite of the same, second

respondent mutated the names of Vadla Narasimha and Anjaneyulu as shareholders without giving opportunity. Aggrieved by the order of second respondent, dated 14.04.2007, mutating the names of respondents 3 and 4, the present writ petition is filed seeking a direction to first respondent to conduct enquiry into the alleged irregularities committed by second respondent.

After hearing learned counsel for petitioner and learned Assistant Government Pleader for Revenue (General-T), this Court is of considered opinion that the writ petition is wholly misconceived. In the first instance when respondents 3 and 4 approached the Revenue Divisional Officer (RDO) against the mutation granted by second respondent in favour of petitioners, the RDO by order, dated 07.09.2006, declined to interfere advising parties to go to civil Court for settlement of the disputes. If, by inadvertence or due to an act of illegality, as alleged, second respondent issued another order on 14.04.2007, the remedy of the petitioners is to file an Appeal under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 or under Section 158 of A.P. (Telangana Area) Land Revenue Act, 1317F. A writ petition is not a proper remedy. Indeed, as seen from the documents annexed to the writ petition, second petitioner already submitted representation to first respondent on 14.04.2007. Therefore, they have to pursue the same before first respondent who may treat the same as Appeal and pass orders in accordance with law.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

03.07.2007.
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